



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,607	07/26/2001	Rodney D. Cambridge	NAIIP312/01.048.02	8717
28875	7590	06/16/2009		
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120				
EXAMINER				
PYZOCHA, MICHAEL J				
ART UNIT		PAPER NUMBER		
2437				
NOTIFICATION DATE		DELIVERY MODE		
06/16/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

anita@zilkakotab.com
erica@zilkakotab.com
dottie@zilkakotab.com

Office Action Summary

Application No.

09/916,607

Applicant(s)

CAMBRIDGE, RODNEY D.

Examiner

MICHAEL PYZOCHA

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5, 6, 10, 14-16, 19, 20, 24-26, 29, 31 and 33-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 6, 10, 14-16, 19, 20, 24-26, 29, 31 and 33-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3, 5-6, 10, 14-16, 19-20, 24-26, 29, 31, and 33-41 are pending.
2. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 05/26/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-6, 10, 15-16, 19-20, 25-26, 34-39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doub (US 6594762), in view of Lunsford et al. (US 6614350) in view of Logan (US 6631271) and further in view of Smith (US 6449726).

As per claims 1, 10, 16, 20, and 26, Doub discloses a control unit having a range of communications (see column 3 line 19 through column 4 line 63); a device, wherein the device is registered with the control unit such that the device cooperates with the control unit using communications to determine when the device is within range of communications of the control unit, wherein when it is determined that the device is within the range of communications of the control unit, the device is functional, and when it is determined that the device is not within the range of communications of the control unit, the device is at least partially non-functional (see column 3 line 19 through column 4 line 63); wherein the device is configured to periodically send an identifying signal to the control unit and the control unit is configured to send a return signal to the device when the identifying signal is received by the control unit (see column 3 line 19 through column 4 line 63); wherein when the device is at least partially non-functional in a situation where it is determined that the device is not within the range of communications of the control unit, the device is configured to continue periodically sending the identifying signal to the control unit (see column 3 line 19 through column 4 line 63);

Doub fails to explicitly disclose the device and unit communicate via Bluetooth and wherein the control unit is configured to produce an alert when it is determined that the device is not within the range of communications of the control unit; wherein the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit; wherein the device includes a

device display, the device display being configured to display information associated with the control unit when it is determined that the device is not within the range of communications of the control unit; wherein the device is configured to periodically send the identifying signal utilizing a period of time which is configured based on movements of an owner.

However, Lunsford et al. teaches the device and unit communicate via Bluetooth (see column 7 lines 18-33) and wherein the control unit is configured to produce an alert when it is determined that the device is not within the range of communications of the control unit (see column 7 lines 9-15); wherein the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit; wherein the device includes a device display, the device display being configured to display information associated with the control unit when it is determined that the device is not within the range of communications of the control unit (see column 8 lines 38-49 and column 7 lines 9-15).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the Bluetooth alerting of Lunsford et al. in the system of Doub.

Motivation to do so would have been to deter the theft and prevent inadvertent abandonment of various portable devices (see Lunsford et al. column 2 lines 37-47).

The modified Doub and Lunsford et al. system fails to teach the device is configured to periodically send the identifying signal utilizing a period of time, which is

configured, based on movements of an owner and that the identifying signal includes information pertaining to a battery status of the device.

However, Logan teaches such a configuration (see column 6 lines 41-53 and column 2 lines 30-63) and Smith teaches sending the battery status of a remote device to a host (see column 1 line 50 through column 2 line 16).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the configured rules of Logan and the battery status of Smith with the modified system of Doub and Lansford et al.

Motivation to do so would have been to make sure a user doesn't forget an item (see Logan column 6 lines 41-53) and to display to a user when the battery is low (see Smith column 6 line 54 through column 7 line 11).

As per claims 3, 5-6, 15, 19, and 38, the modified Doub, Lansford et al., Logan and Smith system discloses the device includes a lockout interface, wherein when the device does not receive the return signal in response to the identifying signal, the device is not within the range of communications of the control unit and the lockout interface locks out the device and causes the device to be at least partially non-functional (see Doub column 3 line 19 through column 4 line 63 and Lansford et al. column 8 lines 38-49).

As per claim 25, the modified Doub, Lansford et al., Logan and Smith system discloses wherein the Bluetooth-enabled mechanism is a Bluetooth-enabled radio (see Lansford et al. column 7 lines 18-33).

As per claims 34-37, the modified Doub, Lansford et al., Logan and Smith system discloses displaying information on the device when it is at least partially non-functional (see Lansford et al. column 8 lines 38-49); and using different time periods for sending the signal (see Lansford et al. column 6 lines 41-55 and Logan column 6 lines 41-53 and column 2 lines 30-63).

As per claim 39, the modified Doub, Lansford et al., Logan and Smith system discloses the control unit is a wrist-worn device (see Logan column 7 lines 7-20).

As per claim 41, the modified Doub, Lansford et al., Logan and Smith system discloses the control unit is configured to attempt to initiate handshakes with multiple missing devices (see Doub column 4 lines 47-55; Logan column 6 lines 54-67).

4. Claims 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Doub, Lansford et al., Logan and Smith system in further view of Parker (US 20020078393).

As per claims 14 and 24, the modified Doub, Lansford et al., Logan and Smith system fails to disclose displaying information on the first Bluetooth-enabled device display of the first Bluetooth-enabled device which indicates that the first Bluetooth-enabled device is locked out

However, Parker teaches such displaying (see paragraph [0007]).

It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Parker with those of the modified Doub,

Lansford et al., Logan and Smith system because displaying a lock out message on a device screen provides a means to inform the user that the device is locked out.

5. Claims 29, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Doub, Lansford et al., Logan and Smith system in view of Lenz (US 20010053947).

As per claims 29, 31, and 33, Applicant presents substantially the same limitations as that of claim 1 with the exception that WiFi communication is employed instead of Bluetooth. Examiner submits the same grounds of rejection as those outlined in the rejection of claim 1 (see above). Further, Lenz teaches use of WiFi Communication as a known and suitable form of communication. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Lenz with those of the modified Doub, Lansford et al., and Logan system and use WiFi communication because WiFi provides a suitable and efficient means of wireless communication.

6. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Doub, Lansford et al., Logan and Smith system as applied to claim 1 above, and further in view of Henrie (US 6804699).

As per claim 40, the modified Doub, Lansford et al., Logan and Smith system discloses in response to the alert, an outside system is contacted (see Lunsford et al. column 7 lines 9-15), but fails to disclose the communication is to add the device to a list of lost or stolen devices.

However, Henrie teaches contacting a server to add a device to the lost/stolen list (see column 10 lines 45-62).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to add a disconnected device of the modified Doub, Lansford et al., Logan and Smith system to a list of lost or stolen devices.

Motivation to do so would have been to allow a user to indicate that the device is no longer lost or stolen (see Henrie column 10 lines 53-62).

Response to Arguments

7. Applicant's arguments with respect to claims 1, 3, 5-6, 10, 14-16, 19-20, 24-26, 29, 31, and 33-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wood, Rine, Alperovich, Murray, Struble and Elledge teach methods of protecting devices from being stolen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOSHA whose telephone number is (571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Pyzocha/
Examiner, Art Unit 2437